

Florence, New Jersey 08518-2323  
October 4, 2021

The Regular meeting of the Florence Township Board of Adjustment was held in-person and virtually via Zoom on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Patel called the meeting to order at 7:31 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Joseph Cartier
Nick Haas	Larry Lutz
Anant Patel	Dennis Puccio
Lou Sovak	

Absent: Kevin Minton

Also Present: Solicitor David Frank  
Engineer Hugh Dougherty

Planner Barbara Fegley was excused.

#### CORRESPONDENCE

There was no correspondence.

#### RESOLUTIONS

- A. Resolution ZB-2021-13: Approval granted to Alfred & Kate Pristash for Bulk Variance for impervious lot coverage for an already constructed 8' X 10' deck constructed on the rear of the house on property located at 132 6<sup>th</sup> Avenue, Florence Township; Block 129, Lot 21.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve Resolution ZB-2021-13.

Upon roll call, the Board voted as follows:

YEAS:	Lutz, Cartier, Buddenbaum, Haas, Puccio, Patel
NOES:	None
ABSTAIN:	Sovak
ABSENT:	None

#### MINUTES

It was the Motion of Mr. Puccio, seconded by Vice Chair Buddenbaum to adopt the minutes from the Regular Meeting of September 2, 2021. Motion unanimously approved by all members present. Mr. Sovak abstained.

#### APPLICATIONS

- A. Application ZB#2021-09: Application by William Fitzpatrick for Bulk Variance for impervious lot coverage to install an 18' round above-ground pool on property located at 225 E. Third Street, Florence; Block 62, Lot 13.

The applicant, William Fitzpatrick came forward and was sworn in by Solicitor Frank.

Mr. Fitzpatrick stated he is applying for a variance to install an 18' round above-ground pool that will put him over his allowed impervious coverage. He stated he would like to install the pool for family recreation for him and his wife, his kids and his grandkids.

Engineer Dougherty stated his review letter is dated 8/20/21. This property is in the RA Zone and is 5,000 sq ft.; the required lot size for this zone is 10,000 sq. ft. We are dealing with an undersized non-conforming lot. Pools are permitted in this zone and the setbacks are being met. The only variance the applicant needs is for lot coverage. The lot coverage allowed in this zone is 20% for the principal building and driveway plus an additional 5% for accessory structures. With the proposed pool, Mr. Fitzpatrick is requesting a variance for 32% impervious lot cover when only 25% is allowed. He believes this is a hardship case because of the undersized lot.

In answer to Engineer Dougherty's and Board members' questions, Mr. Fitzpatrick stated:

- This is consistent with his neighborhood as other homes have above-ground and inground pools
- His pool company is aware of the area of his property and the placement of the pool. They have indicated there will be no problem installing the pool as proposed.
- There will be no modifications to his existing fence surrounding his rear yard
- There will be no change in the materials to be used that were submitted with his application
- His and the 2 neighboring properties are fairly level and the alley behind his house is a bit higher than the yards. From his experience, they have never had any standing water/flooding or drainage issues, even with the more recent heavy storms.
- The pool will have a filter and it is shown on his survey where it will be located. The pool company requires it to be a certain amount of distance away from the pool.
- The pool will have a ladder that locks in the up position
- There is a shed shown on his survey, but it has an "X" marked through it. That is to indicate the shed is no longer there. It was put on the survey when they bought the house, but the prior owners took the shed with them.

Engineer Dougherty stated again he believes this is a hardship case because of the existing lot size and he has no issues with Mr. Fitzpatrick's testimony.

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Lutz to open the meeting for public comment. Motion unanimously approved by all members present.

There were no members of the public attending in person and it was confirmed those attending online were not muted by us and no one was "raising their hand" to speak.

Hearing no one else wishing to speak, it was the Motion of Mr. Haas, seconded by Mr. Lutz to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated we have an existing undersized lot as indicated by the Board Engineer. This application is for an amenity that is typical for the neighborhood and that once built, will exceed the allowed impervious coverage. This can be considered C Variance due to a hardship because of the undersized existing lot.

It was the Motion of Mr. Puccio, seconded by Mr. Lutz to approve application ZB#2021-09.

39.

Upon roll call, the Board voted as follows:

YEAS: Puccio, Lutz, Buddenbaum, Cartier, Haas, Sovak, Patel

NOES: None

ABSTAIN: None

ABSENT: None

- B. Application ZB#2021-10: Application by Sumon Saha for Bulk Variance for front yard and side yard setbacks to construct an attached enclosed porch to the front of the residence and an attached 3-season room to the side of the residence on property located at 1080 Wallace Avenue, Florence Township; Block 99.01, lot 21.

Solicitor Frank stated that public notice for this application was not published within 10 days of this meeting. He explained that once an application is submitted, there is “Completeness Clock” which means the application must be deemed incomplete or complete within 45 days. This application was submitted on 9/2/21 and was deemed complete by Engineer Dougherty in his review letter dated 9/13/21, well within the required time frame. Once the application is deemed complete, it starts another “clock” for determination by the Board which must be done within 120 days. Even though the application has been deemed complete, the publication of notice was not completed; therefore, the Board is not able to take jurisdiction to hear/or even adjourn this application to a new date.

#### OTHER BUSINESS

There was no other business discussed.

#### PUBLIC COMMENT

It was the Motion of Mr. Cartier, seconded by Mr. Haas to open the meeting for public comment. Motion unanimously approved by all members present.

There were no members of the public attending in person and it was confirmed those attending online were not muted by us and no one was “raising their hand” to speak.

Hearing no one else wishing to speak, it was the Motion of Vice Chair Buddenbaum, seconded by Mr. Cartier to close public comment. Motion unanimously approved by all members present.

#### ADJOURNMENT

It was the Motion of Mr. Cartier, seconded by Mr. Haas to adjourn the meeting at 7:50 p.m. Motion unanimously approved by all members present.

---

Larry Lutz, Secretary

/kf